



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 23, 1998

Mr. Mark Flowers
Assistant City Attorney
City of Midland
406 East Illinois
Midland, Texas 79702-1152

OR98-2483

Dear Mr. Flowers:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118990.

The City of Midland received a request for the police report on an alleged assault, "case # 98070040." You seek to withhold the narrative portion of the report under Government Code section 552.108(a)(2).

Section 552.108(a)(2) provides:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required disclosure] if:

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

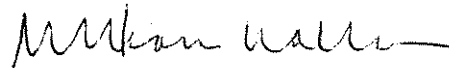
You advise that the investigation to which the requested report relates "did not result in the conviction or deferred adjudication of any person." Therefore, except as noted below, you may withhold at this time the narrative portion of the report, which you have marked. The rest of the report, for which you raise no exceptions to disclosure, must be released.¹

¹We note that the narrative portion of the report, which we have found you may withhold, refers to photographs of the alleged victim being "attached" to the report. You have not submitted these photographs for our review nor raised any exceptions with respect to them. Therefore, you must release these photographs.

You indicate that you have already released to the requestor "front page" information from the report. "Front page" information is the kind of information that ordinarily appears on the front page of an offense report and which is specifically made public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). See also Gov't Code § 552.108(c) ("basic information" is public). We are unsure what you have released as "front page information." We note that the non-narrative portion of the report you submitted generally satisfies the public disclosure requirements of *Houston Chronicle*. However, the notation "assault" is, we believe, inadequate as "a detailed description of the offense," specifically required to be made public by *Houston Chronicle*. *Id.* at 187. If you have not already done so, you must release a more detailed description of the offense here in order to satisfy the public disclosure requirements of *Houston Chronicle*.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 118990

Enclosures: Submitted documents

cc: Ms. Leah Doyle
4000 W. Illinois Avenue, #237
Midland, Texas 79703
(w/o enclosures)

While they may implicate the privacy aspect of section 552.101, in this case, since the requestor is the alleged victim and the subject of the photographs, they may not be withheld from her on privacy grounds. See Government Code § 552.023(a) (individual's special right of access to information protected from public disclosure by laws intended to protect the individual's privacy interests).